

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re TREMONT SECURITIES LAW, STATE
LAW AND INSURANCE LITIGATION

Master Docket 08 Civ. 11117 (TPG)

This Document Relates to :

ELENDOW FUND, LLC,

Plaintiff,

v.

10 Civ. 9061 (TPG)

RYE SELCT BROAD MARKET XL FUND,
L.P., RYE INVESTMENT MANAGEMENT
TREMONT CAPITAL MANAGEMENT
INC., TREMONT GROUP HOLDINGS, INC.,
TREMONT PARTNERS, INC.,
MASSACHUSETTS MUTUAL LIFE
INSURANCE CO., MASSMUTUAL
HOLDINGS LLC, OPPENHEIMER
ACQUISITION CORPORATION, RUPERT
ALLAN, JIM MITCHELL and ROBERT
SCHULMAN,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Amended Complaint, the accompanying memorandum of law, and all prior papers and proceedings herein, defendant Rye Select Broad Market XL Fund L.P. will move this Court, before the Honorable Thomas P. Griesa, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time to be designated by the Court, for an Order: (i) striking certain paragraphs of the Amended Complaint pursuant to Rule 12(f) of the Federal Rules of Civil Procedure; (ii) dismissing the Amended Complaint pursuant to Rules 9(b), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and Section 101(b) of the Private Securities Litigation

Reform Act ("PSLRA"), 15 U.S.C. § 78u-4(b)(2); and (iii) for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
February 21, 2012

TANNENBAUM HELPERN
SYRACUSE & HIRSCHTRITT LLP

By: /s/ David J. Kanfer

Ralph A. Siciliano
siciliano@thsh.com
Jamie B.W. Stecher
stecher@thsh.com
David J. Kanfer
kanfer@thsh.com
900 Third Avenue
New York, New York 10022
(212) 508-6700

*Attorneys for Defendant
Rye Select Broad Market XL Fund L.P.*